

FILED

IN THE CIRCUIT COURT OF PULASKI COUNTY ARKANSAS

DIVISION NO. 9th

2006 JAN 15 PM 3:17  
Clerk

KATHRYN WEDGEWORTH

PLAINTIFF

CASE NO. 05-14707

VS.

BAXTER HEALTHCARE CORP.

4:06CV00174JLH  
DEFENDANT

AFS: The Corporation Company  
425 West Capitol Avenue  
Suite 1700  
Little Rock, Arkansas 72201

**COMPLAINT**

COMES NOW the Plaintiff, Kathryn Wedgeworth, by and through counsel, Hamill & Sutter P.L.L.C., and for this Complaint, states:

**PARTIES AND JURISDICTION**

1. Kathryn Wedgeworth (Plaintiff) is a resident of Baxter County, Arkansas, who works for Baxter Healthcare Corp. (Defendant) in Baxter County, Arkansas. Defendant is a foreign corporation authorized to do business in the State of Arkansas whose registered agent for service is located within Pulaski County, Arkansas. Consequently, this Court has personal jurisdiction over the parties.

2. Plaintiff brings this action to address gender discrimination under the Arkansas Civil Rights Act of 1993(ACRA).

3. Accordingly, this Court has subject matter jurisdiction and personal jurisdiction over the Parties. Venue is proper.

**GENERAL ALLEGATIONS OF FACT**

4. Plaintiff began working for Baxter Healthcare Corp. on or about July 28, 1975.  
5. Plaintiff has continued to work for Baxter Healthcare Corp. through the present day.

6. Plaintiff's current position, which she has held since about August 2000, is Quality Section Manager.

7. At all times, Plaintiff has performed her work satisfactorily. Indeed, Plaintiff has received the highest "exceeds" ratings on her annual evaluations for many consecutive years.

8. In mid November 2004, Defendant posted the positions of Plastics Production Manager (Director) and Transfusion Therapies Production Manager (Director).

9. Plaintiff applied for both positions, and Plaintiff was subsequently interviewed.

10. Plaintiff was not chosen for either position.

11. Defendant awarded the positions to two males who were less qualified than Plaintiff.

**GENDER DISCRIMINATION AND RETALIATION UNDER ACRA**

12. Plaintiff realleges the foregoing as if fully set out herein.

13. By virtue of the facts alleged herein, Defendant has discriminated against Plaintiff on the basis of her gender in violation of the ACRA.

14. As a direct and proximate cause of Defendant's acts or omissions as alleged herein, Plaintiff has suffered severe mental, emotional, and physical distress, lost wages, lost fringe benefits, lost earning capacity and incurred expenses that would not otherwise have been incurred.

15. All of Defendant's actions have been willful.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for appropriate compensatory damages; for punitive damages; for an injunction requiring Defendant to promote Plaintiff to the next available Plastics or Transfusion Therapies Production Manager (Director) position or, alternatively, pay her the same wage as a Plastics or Transfusion Therapies Production Manager (Director) until such time as Plaintiff receives such a position; for front pay; for back pay; for an injunction requiring Defendant to remove all adverse information from Plaintiff's personnel file; for a trial by jury; for

reasonable attorneys' fees; for costs; and for all other just and proper relief.

Respectfully submitted,

HARRILL & SUTTER, PLLC  
Attorneys at Law  
310 Natural Resources Drive  
Post Office Box 26321  
Little Rock, Arkansas 72221-6321  
501/224-1050

By: 

L. Oneal Sutter, AR Bar No. 95031

Franki E. Heenan, AR Bar No. 2002072

ADDRESS SERVICE REQUESTED

**HARRILL & SUTTER, P.L.L.C.**  
*Attorneys at Law*  
Post Office Box 21098  
Little Rock, Arkansas 72221

7005 1820 0005 6264 5834



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**CT CORPORATION**

A Wollensdorf Company

**Service of Process  
Transmittal**

01/03/2006

Log Number 610815858

**TO:** MARCIA MELCHIN  
Baxter Healthcare Corporation  
One Baxter Parkway  
Deerfield, IL, 60015

**RE:** Process Served In Arkansas

**FOR:** Baxter Healthcare Corporation (Domestic State: DE)

INVESTIGATION

JAN 04 2006

RECEIVED

BX 2006 03 868

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** Kathryn Wedgeworth, Plaintiff vs. Baxter Healthcare Corp., Defendant  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** 12/29/2005 letter, Summons, Complaint

**COURT/AGENCY:** Pulaski County Circuit Court, AR  
Case # 0514707

**NATURE OF ACTION:** Employee Litigation - Discrimination - Gender et al

**ON WHOM PROCESS WAS SERVED:** The Corporation Company, Little Rock, AR

**DATE AND HOUR OF SERVICE:** By Certified Mail on 01/03/2006 postmarked on 12/29/2005

**APPEARANCE OR ANSWER DUE:** 30 days

**ATTORNEY(S) / SENDER(S):** Hamill & Sutter, P.L.L.C.  
310 Natural Resources Drive  
POB 28321 (72221)  
Little Rock, AR, 72226

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex Priority Overnight, 791324881288

**SIGNED:** The Corporation Company  
**ADDRESS:** 426 West Capitol Avenue  
Suite 1700  
Little Rock, AR, 72201  
**TELEPHONE:** 501-688-8808

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State of Arkansas  
Pulaski County Circuit Court  
Office of the County Courthouse  
401 W. Markham, Suite 102  
Little Rock, Arkansas 72201

CASE NO.: CV 2005 014707

DIV: 9TH - HON. MARY MCGOWAN

SUMMONS  
( NOTICE OF LAWSUIT )

PLAINTIFFS  
KATHRYN WEDGEWORTH  
, ET AL

DEFENDANT  
BAXTER HEALTHCARE CORP

PLAINTIFFS'S ATTORNEY  
L ONEAL SUTTER PLLC  
LITTLE ROCK, AR 72221

DEFENDANT'S ADDRESS

TO THE ABOVE-NAMED DEFENDANT(S):

1. You are hereby notified that a lawsuit has been filed against you by the above named plaintiff(s); The relief asked is stated in the attached complaint.

2. The attached complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the complaint unless you file a written response or answer and thereafter appear and present your defense. Your pleading or answer must meet the following requirements:

- A. It must be in writing, and otherwise comply with the Arkansas Rules of Civil Procedure.
- B. It must be filed in the Pulaski County Circuit Clerk's Office within THIRTY(30) days from the day you were served with this summons.
- C. A copy of your response must be delivered or mailed to the plaintiff or his attorney.

3. If you desire to be represented by an attorney you should immediately contact your attorney so that an answer can be filed for you in the time allowed

WITNESS my hand and the seal of said Court this day: December 27, 2005  
PAT O'BRIEN, Circuit Clerk

By *[Signature]* D.C.

STATE OF ARKANSAS, COUNTY OF PULASKI

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_.M., I have duly served the summons by delivering a copy thereof (or  
stating the substance thereof), together with a copy of the complaint, to  
\_\_\_\_\_ such person being:

CHECK APPLICABLE SQUARE:

- \_\_\_ the person named therein as defendant
- \_\_\_ a member of the defendant's family above 14 years of age at defendant's  
usual place of abode, namely \_\_\_\_\_
- \_\_\_ the duly designated agent for service of process for the defendant,  
namely \_\_\_\_\_
- \_\_\_ OTHER: \_\_\_\_\_

By: \_\_\_\_\_, SHERIFF  
Deputy Sheriff